

SCRIP DIVIDEND IS NOT ALLOWED

Public Service Commission
Sits Down on Erie Rail-
way Company.

AUTHORITY IS QUESTIONED

CONDITIONS OF STATUTE CAN-
NOT BE COMPLIED WITH.

Albany, N. Y., March 1.—The public service commission has decided that scrip dividends cannot be authorized under the public service commission law and has denied the application of the Erie Railroad company for authority from the commission to issue such dividends upon its first and second preferred stock.

The board of directors of the Erie Railroad company on Aug. 28, 1907, declared a dividend of 2 per cent upon its preferred stock, payable Oct. 1, 1907, and a dividend of 4 per cent upon its second preferred stock, payable Nov. 1, 1907. It further determined to issue interest-bearing warrants, evidencing the right of the stockholders to the dividends so declared, subject to the approval of the public service commission.

Chairman Stevens, in his opinion, says: "Assuming that the dividends declared would have been lawful prior to the 1st day of July, 1907, the inquiry



Delighted are the public with the spring showing of "Money Back" Shoes. Hundreds of new styles and lasts that are new and made for comfort, all shades to match any gown, at prices in keeping with "Money Back" dealings. Davis Shoe Co.

is as to the proper construction of section 55 of the public service commission law, which provides for the issuing of stocks, bonds, notes and other evidences of indebtedness, payable at periods of more than twelve months, which provides that a railroad corporation organized or existing under or by virtue of the laws of the state of New York, may issue stocks, bonds, notes or other evidences of indebtedness payable at periods of more than twelve months after the date thereof, when necessary for (1) the acquisition of property; (2) the construction, completion, extension or improvement of its facilities; or (3) for the improvement or maintenance of its service; or (4) for the discharge of lawful refunding of its obligations; provided, and not otherwise, that there shall have been secured from the proper commission an order authorizing such issue and the amount thereof, and stating that, in the opinion of the commission, the use of the capital to be secured by the issue of such stock, in bonds, notes or other evidences of indebtedness, is reasonably required for the said purpose of the corporation.

"When any one of the conditions of the statute cannot be complied with in a given case, the commission has not authority to issue an order authorizing the desired issue.

No Profit in Scrip Dividend. "By the declaration of a scrip dividend and the issuing of the warrants evidencing the same, the company secures nothing which it does not possess before. A dividend is the dividing of property among the stockholders; it is the direct opposite of the securing of capital. It is parting with it. A promise to divide in the future is simply a promise to part with that property in the future. The corporation secures nothing by the dividend. After declaring the dividend it possesses no capital which it did not possess before. The money which it promises to divide at a future time will remain the property of the corporation. It can be applied to any lawful purpose of the corporation at the discretion of the directors, and after the declaration of a dividend payable in the future it has no more power or authority over the fund that it promises to divide than it had before the declaration of the dividend.

"Since one of the conditions of the issuing of an evidence of indebtedness under section 55 is that the corporation, and the commission must certify that the capital to be so secured is reasonably required for certain purposes, it is clear that warrants evidencing a scrip dividend cannot be issued under that section, for the plain reason that no capital is secured thereby."

HIS SECOND CHANCE. (New York Sun.) Oscar Hammerstein said of a theatrical question recently in New York: "Some of our managers get heated over theatrical questions. We let personal things—rage, joy—influence us. This is wrong. To succeed in this business one must be as cool and calm and farseeing as the young lady of Oshkosh."

JAKE JUST HAD TO DO IT. (Detroit Free Press.) Jacob Riss mentioned Theodore Roosevelt as the next mayor of New York City, not because there is any likelihood of such a thing, but because it just makes talk.

OGDEN NEWS

Office 410 Twenty-Fifth Street

Ogden, Monday, March 2.

OGDEN SALOONS CLOSED SUNDAY

Even Those With Cigar Stands in Front Compelled to Lock Up.

MAYOR MEANS BUSINESS

LIQUOR DEALERS WILL CALL UP-
ON HIS HONOR TODAY.

Ogden experienced its first real closed Sunday yesterday for a long time. Efforts were made by some of the saloons in which were located cigar stores to keep open that part of their places, but permission was refused. Comment on the new order of things was pretty evenly divided, the mayor's orders being both commended and approved.

It is reported that the saloonmen will wait on Mayor Brewer today in order to ascertain just where they are "at," and their future actions will not be determined until after this conference. It is expected that they will protest against cigar stands and drug stores being allowed to remain open on Sunday. It is also expected that they will ask for laws abolishing the social evil. In fact, they will insist upon the bluest of the blue laws being enforced.

More People on the Streets. There was a noticeable increase in the number of persons on the street yesterday. Twenty-fifth street from Washington avenue to the Union depot was lined with many of those who heretofore have been using the saloons and gambling halls for a place to hang out.

Many of the bartenders welcome the change in conditions for the reason that where restaurants are not run in connection with the saloons they are enabled to have Sundays and the nights after 12 o'clock to themselves. The enforcement of the new order will likely throw a few men out of work, but the number will not be material.

One of the most ludicrous features of the closing movement was where a bartender obeyed the orders of the police to lock the doors of the establishment at midnight and then sat in the bar room until morning as if expecting the order to be revoked any minute.

Mayor Brewer is firm in the position he has taken, because he believes it is the desire of the greater number of citizens.

TRYING TO LOCATE DEAD MAN'S BROTHER

Superintendent W. A. Whitney of the Union Pacific is endeavoring to locate John McGovern, brother to the man killed in the local yards late Saturday night. It is said that he is employed as a roadmaster on the Union Pacific line somewhere east of Denver.

T. B. McGovern, the dead man, has two children attending a Catholic school at Cheyenne, his wife having died some time ago. He was considered one of the best employees engaged in section work and was 40 years of age. The arrangements for the funeral will not be made until McGovern's relatives are heard from.

Franchise Accepted.

The Utah Light & Railway company has accepted the franchise granted by the county commissioners a short time ago providing for the raising of the roadway

SUCCESSOR TO FLYGARE.

Considerable Speculation as to Who Will Be Appointed.

Speculation is rife as to who will be chosen as successor to the late President N. C. Flygare of the Weber stake. The name of Bishop David McKay has been mentioned a number of times, but those who should know opine that the place will not go to him. It is strongly rumored that John L. Herrick, a prominent real estate man, will be the man chosen for the position. Mr. Herrick has been a prominent church worker for a number of years and is well liked. He is yet a young man and is said to be especially qualified to fill the position. The name of County Attorney N. J. Harris is also mentioned for the place.

CALLED BY DEATH.

Mrs. Jane R. Marsh.

Mrs. Jane R. Marsh, wife of Attorney George J. Marsh, a pioneer resident of this county, died at her home, 546 Twenty-fifth street, yesterday, from pneumonia. Mrs. Marsh had been ill but a week. She is survived by her husband, four daughters, two sons and twenty-five grandchildren.

Mrs. Marsh came to Utah in 1848, crossing the plains in one of Captain Snow's double ox-team companies. During the winter of 1848 and 1849 she was located on Pioneer square, Salt Lake City. She had been married for fifty-four years, during which she lived at Willard and in Ogden.

The funeral will be held Wednesday at the Second ward meeting house. Friends will be received at the residence from 2 to 5 o'clock on Tuesday and from 9 to 12 o'clock on the day of burial. Interment will be in the Ogden City cemetery.

Mary Emma Thomas.

Mary Emma, the 7-year-old daughter of Mr. and Mrs. B. F. Thomas, died at 12:30 o'clock yesterday noon at the family residence, 188 Twenty-fourth street, from scarlet fever. The child was taken ill after attending school on Thursday last and on Friday scarlet fever developed. The funeral cortege will leave the residence at 3 o'clock this afternoon for the City cemetery, where interment will be made. Rev. N. S. Elderkin of the First Congregational church will conduct a short service at the grave. Members of the church choir will furnish music.

Charles Christopher Welch.

The first death from the much dreaded cerebro-spinal meningitis to occur in this county for some time was reported from West Weber yesterday, when Charles Christopher, the 16-year-old son of Mr. and Mrs. George Welch, passed away, after five weeks' illness. The funeral arrangements have not been completed.

Funeral Today.

The funeral of Mrs. J. W. Myers will be held at Richey's funeral chapel at 2 o'clock this afternoon. Burial will be made in the Mountain View cemetery.

DROP IN BREWERY STOCKS

Licensing Bill Has Worked Havoc With One of Great Britain's Bulwarks.

London, March 1.—Seldom has the promise of legislation worked such havoc with trade as has the licensing bill with the brewing interests. Stocks

in all the breweries, including the foremost companies, went down on Friday and Saturday to amazingly low rates, until they could not be sold at any price.

The shrinkage in the nominal value of brewing properties is estimated at about \$250,000,000. The stocks in the leading companies have fallen as much as 50 per cent, some more than that, in two days.

Naturally there is a panic among the brewers, and they and the publicans are sending up a strong outcry against the bill. Many among the laboring classes are supporting them, but the temperance societies are highly pleased with the situation.

Sir Thomas Whittaker, in a statement supporting the bill, points out that the sales of liquor annually in England and Wales have decreased \$75,000,000 in a decade. He says: "None can pretend that this trade has a vested interest in the insobriety of the nation, and that it is entitled to complain if the profits, which are drawn largely from the demoralization of the people, are withdrawn."

AN ISOLATED NEW YEAR'S.

(New York Press.)

Few people ever have had the good—or bad—fortune to spend New Year's day on the Midway Islands, those isolated sand dunes in the middle of the Pacific where the cable lands. The place is properly a naval station, but no ships ever touch there except the supply steamer, which also brings the mails at irregular intervals of from three to six months apart. The little colony numbers six souls, including the superintendent, who is also postmaster; the superintendent's wife (the only woman on the island) and the lieutenant of marines. The cable operator, his assistant and the storekeeper make up the rest of the population. Yet nowhere is the holiday spirit more in evidence than in this lonely little colony in the blue bosom of the vast ocean. New Year's is kept with especial regard to the traditions of the day, for soon after Jan. 1 the ship is due, bring provisions, letters, newspapers from home and Christmas gifts long overdue but none the less welcome.

A special number of the Gooney Clarion, the only newspaper on the island, is sure to be issued on New Year's morning. It is a large single sheet of two pages, illustrated with photographs and "printed" off by hand in small capitals, such as children sometimes use before they learn to write, for there is neither type nor presses in the Midways. Also it is wise to preserve the incognitos of the contributors, as personalities are frequent in its paragraphs. Gooney, it should be explained, is the name of the small albatross which flies to the island to breed in great numbers. The Clarion is circulated from hand to hand, beginning with the superintendent. It contains the invitation to the New Year's festivities, which is usually worded in much the same manner from year to year:

"The dining hour of the Pacific club has been changed from noon to 6 p. m. today. All members are respectfully requested to wear full dress in honor of the new year. Those unfortunates who do not possess the goods are directed to Mr. Snave, the famous outfitter on South street, who keeps full stock."

By order of the House Committee. "P. S.—The committee frankly confess they are grafting, as Mr. Snave is expected to send over a basket of his choice claret in return for this ad."

Of course, no such person as Mr. Snave exists. Like the Pacific club, he is a pleasant fiction cherished by the forlorn little colony to alleviate the pangs of homesickness. There is not a single animal of any kind on the island, and the only sport to be had is shooting gooneys. This is not very satisfactory, for gooneys are not good eating. If a sandstorm happens to be raging on

CONGRESS MAY ACT IN MATTER

Plan Under Way to Make "Fighting Bob" a Vice Admiral.

Washington, March 1.—In a quiet way naval officers in Washington are endeavoring to arrange an agreeable surprise for Admiral Evans when the battleship fleet under his command sails through the Golden Gate, completing the Pacific cruise. It is proposed to greet the rear admiral with a commission as vice admiral of the American navy. Of course the success of this understanding depends upon congress, but the president has done his part in making a proper recommendation to that body for the re-establishment of that naval grade, and it is not doubted that congress can be induced to act upon the recommendation in season to ensure the issue of Admiral Evans' commission, so that he may bear the title of vice-admiral for the few months that will intervene between his arrival at San Francisco and his retirement from active service.

Argument Being Made.

The naval argument in support of the proposed re-establishment of the grade of vice-admiral is strongly reinforced by a comparison made at the navy department between the British home fleet engaged in the maneuvers of last fall and the splendid battleship fleet commanded by Rear Admiral Evans. The British fleet, composed of twenty-six battleships, fifteen armored cruisers, nine protected cruisers and fifty-seven torpedo craft, was commanded by one admiral, three vice-admirals, seven rear-admirals and one commodore.

The American fleet when it is fully assembled in San Francisco harbor will consist of nineteen battleships, eight armored cruisers, three protected cruisers and a large number of supply ships, colliers and repair ships, nine destroyers and five torpedo boats, commanded by only four rear-admirals.

New Year's day, however, even this poor sport is denied the men, and they have to fall back on their pipes for amusement. While the superintendent's wife is preparing dinner, which is chiefly of canned dainties, the little group of exiles earnestly discuss yesterday's events in the great world beyond the waters. While isolated from mail, telephone or newspaper, yet the Midways know all the important news of both continents ahead of London, Paris or New York, for the operator reads the messages from the cable as they flash to and fro under the sea. The dinner always is prolonged as much as possible, and toasts are drunk in fragrant punch to the coming year, to dear ones far away, to each other, and last of all to "The Clarion, our enterprising journal, which is unrivaled in its particular field." The evening ends with a little music on the piano or pianola, the only instruments on the Midways except the great conch shell which is used to call the men to dinner.

WOOD STRONGER THAN IRON.

(Chicago Tribune.)

The strongest wood in the world is yate, and it grows in western Australia, the home of many valuable hard woods. The official tests of yate show it to have an average tensile strength of 24,000 pounds to the square inch, equaling that of good cast iron. Many specimens are far stronger than this. One was tested up to seven-

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Are Pure, Good and Delicious All the Time

Leading Tea House of the West.

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Avoid truss mistakes. So many who know little about them sell trusses.

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teen and one-half tons to the square inch, which is equal to the tensile strength of wrought iron. The sown timber of yate probably is the strongest in the world. The tree grows to a maximum height of 100 feet and sometimes has a diameter of two and one-half or even three feet.

STRONG POINT AGAINST HIM.

(Chicago Record-Herald.)

"You say you have known this defendant for many years?"

"Yes, ever since he was a boy."

"Do you consider him to be of sound mind?"

"Well, I don't want to say anything against him if it isn't necessary."

"But you are under oath to speak the truth. Have you ever observed in his actions anything that would lead you to believe he was weak mentally?"

"He married the daughter of a poor man when he might have become the son-in-law of a wealthy manufacturer who would have made him general manager of the business."

WILL TEDDY CLASSIFY HIM.

(Chicago Record-Herald.)

It is alleged that the King of England wears corsets. We don't know about that, but we are quite sure that he doesn't carry a muff.

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IT'S THE GREATEST SALE OF THE KIND EVER HELD.

\$50,000 Worth of Really Fine, Dependable, Proud-to-Own Kinds of Table Linens, Table Sets, Napkins, Towels, Towelings, Bed Spreads, Bed Sheetings and Ready Made Sheets and Pillow Cases at Reduced Prices

For the Linen Sale that starts to-morrow we have a stock greater by many thousands of dollars than ever before—a Linen Stock probably not rivaled by any western store, and the values are wonderful. You'll get more for your money than in any previous Linen Sale. It's a Linen Sale that sets a new mark in unexampled lowness of prices, in beauty of designs, in quality of fabrics. Words cannot be marshalled that are strong enough to do full justice to the extraordinary values and the vast assortments of Linens that are ready. IT IS A FACT, that we have outdone our greatest efforts in the past. IT IS A FACT, that we are better equipped to handle an immense business than ever before. IT IS A FACT that the bargains are the greatest and the assortments the largest that have been offered in Salt Lake in years. It will pay you to make a trip to this store from any distance. Be on hand as early as possible. Sale begins promptly at 8 a. m.



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Waists
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500 Beautiful White Lawn Waists, in dozens of designs, some open front, long sleeves, others open back, three-quarter sleeves, worth fully \$1.50; today they'll go at.....\$1.23

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1,000 yards Foulard Silk, in the new corn spots, ring dots, polka dots, etc., in light and dark colors; special for one day at, a yard.....56c